

REMARKS

The Examiner has finally rejected claim 22 under 35 USC § 103(a) as being unpatentable over Passille ('573) in view of Beasley ('195) for the reasons set forth in paragraph 2 of the final rejection. The Examiner acknowledges that Passille does not disclose labels having a protective coating such that an official postal cancellation mark will not be permanently adhered to the personal image. The Examiner then relies on Beasley as teaching the modifying of Passille to include a protective coating placed over the personal image.

In response to Applicant's previous response, the Examiner argues that the feature of coating only the personal image is not recited in the claims and therefore are not read into the claims. The present invention is not directed solely to providing a coating only on the personal image. The present invention is directed to a kit wherein there is provided a plurality of official postal products having a first official postage area that is "capable of retaining an official postal cancellation mark". An important aspect of the present invention is that the first official area of the postal product is capable of retaining an official postal cancellation mark. The second important aspect of the present invention is that the label is designed to be placed on the official postal product, has a protective coating thereon such that an official postal cancellation mark will not permanently be adhered to the personal image. Thus, the official postal product of the present invention can be used in the normal commerce of postage, yet allow the personal image to be maintained in a condition for viewing. By providing the protective coating on the personal image area, the cancellation mark will not be permanently adhered. However, the claim specifically recites that the official area does retain an official postal cancellation mark allowing use as a postal product. Thus, this area of the postal product will retain the official postal cancellation mark.

The Beasley reference is directed to providing a protective coating 120 onto the printed side of the final product. This protective coating is provided to protect the life of the stamp. See paragraph 35. The present invention is not directed to preserving the life of a postal product, but providing a postal product that can be used appropriately. In order to use the stamp properly, it must be able to retain a cancellation mark, however, Applicant's invention is designed to

protect the personal image that is incorporated into the official postal product where the cancellation mark is normally placed. Since Beasley is directed to providing a protective coating, it would hardly seem likely or desirable to put such a coating on the Passille stamp, as Passille is designed to be used in the normal course of stamps.

"When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness". See *In re Lee* 277 Fed 3rd 1338 (61 USPQ 2nd 1443) 2002. The Court, in *In re Lee*, further stated "teachings of references can be combined only if there is some suggestion or incentive to do so". In the present instance, the Beasley reference is directed to protecting the stamp allowing framing of the product (see paragraph 35), whereas the Passille reference is designed to be used as a normal stamp which would inherently have a cancellation mark placed thereon. Thus, there is no motivation or suggestion of combining the references as taught and claimed by Applicant. Furthermore, the protective coating provided by Beasley is placed over the entire product. There is no teaching or suggestion of protecting only the image portion with a coating to prevent cancellation as taught and claimed by Applicant.

In view of the foregoing it is respectfully submitted that the claim in its present form is in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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